

Message Text

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ACTION AF-10

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AMCONSUL LUBUMBASHI

C O N F I D E N T I A L KINSHASA 8589

E.O. 11652: GDS

TAGS: PINS PGOV CG US

SUBJECT: THE NGUZA AFFAIR AND US-ZAIRIAN RELATIONS

REF: A) KINSHASA 8469 B) KINSHASA 7675

1. SUMMARY: MOBUTU'S HANDLING OF NGUZA AFFAIR TO DATE INDICATES THAT, WHATEVER HIS ORIGINAL INTENTIONS, HE HAS DECIDED TO CONFINED IT TO AN EXERCISE IN INTERNAL DISCIPLINE WITHOUT TRYING TO IMPLICATE US OR OTHER OUTSIDE INVOLVEMENT. SCHEDULING OF PROMPT, PUBLIC TRIAL APPARENTLY WITH FREE CHOICE OF DEFENSE LAWYERS SEEMS TO REFLECT MOBUTU'S SENSITIVITY TO FOREIGN -- PARTICULARLY US --- CONCERN FOR HUMAN RIGHTS ASPECT OF THIS CASE. WHILE THERE IS ALWAYS CHANCE OF SURPRISES, IF COLONEL MAMPA'S RECENT CASE IS ANY EXAMPLE WE CAN ANTICIPATE FOR NGUZA RELATIVELY BRIEF TRIAL, PROBABLE CONVICTION FOR TREASON, AND DEATH SENTENCE LATER COMMUTED TO IMPRISONMENT.
END SUMMARY.

2. IN REFEELS WE RAISED POSSIBILITY THAT MOBUTU'S SUDDEN STRIKES AGAINST FOREIGN MINISTER NGUZA AND CENTRAL BANK GOVERNOR SAMBWA, TOGETHER WITH ARREST OF LUNDA CHIEF MWANT YAV AND PROMISES OF EXTENSIVE PURGE, MIGHT BE DESIGNED IN PART TO COMPLICATE US-
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ZAIRIAN BILATERAL RELATIONS. SUBSEQUENT DEVELOPMENTS HAVE NOT BORNE OUT THESE SUSPICIONS, ALTHOUGH A CASE CAN STILL BE MADE THAT ONE OF SEVERAL REASONS FOR MOBUTU'S ACTION ON THE HEELS OF NGUZA'S WASHINGTON VISIT WAS A DESIRE TO CONVEY HIS UNHAPPINESS WITH PERCEIVED REBUFFS ON OUR PART. HOWEVER, MOBUTU'S SUBSEQUENT HANDLING OF THE CASE HAS REFLECTED PRIMARILY AN EFFORT (A) TO ELIMINATE A POTENTIAL AND APPARENTLY-SUSPECTED RIVAL FROM THE

SCENE, AND IN DOING SO WARN OTHERS OF THE CONSEQUENCES OF DISLOYALTY; BUT ALSO (B) TO AVOID AROUSING ADVERSE REACTIONS ABROAD TO THE EXTENT OF RISKING NEGATIVE IMPACT ON ZAIRE'S FOREIGN RELATIONS. HENCE, FOLLOWING OUR DEMARCHES HERE AND IN WASHINGTON, MOBUTU HAS MADE A POINT OF ASSURING US PRIVATELY THAT HIS ACTIONS WERE NOT AIMED AT THE US AND THAT NGUZA'S RIGHTS WOULD BE RESPECTED. IN HIS SEPTEMBER 4 SPEECH HE IN EFFECT PUBLICLY AFFIRMED BOTH THESE POINTS. HE EXPLAINED THAT HE HAD NOT RECEIVED THE REPORT ABOUT NGUZA'S "TREACHEROUS" REMARKS IN PARIS UNTIL NGUZA WAS ALREADY IN WASHINGTON AND THAT HE HAD DECIDED TO LET HIM FINISH HIS MISSION AS WELL AS HIS MEDICAL TREATMENT IN HOLLAND BEFORE CALLING HIM HOME. AND IN HIS SPEECH MOBUTU ALSO PROMISED NGUZA A PUBLIC TRIAL WITH FREE CHOICE OF DEFENSE LAWYERS.

3. THERE ARE NO PRESENT INDICATIONS THAT MOBUTU INTENDS TO PULL OFF ADDITIONAL SURPRISES IN CONNECTION WITH NGUZA'S TRIAL THAT WOULD IMPLICATE US OR OTHERWISE AFFECT US INTERESTS. ON THE CONTRARY, IN THE SEPTEMBER 4 SPEECH THERE WAS NO MENTION OF THE MWANT YAV OR ATTEMPT TO LINK HIS ALLEGED ACTS OF TREASON TO THOSE OF NGUZA. NOR DID MOBUTU REPEAT HIS JUNE 1 ALLEGATIONS CONCERNING CONTACTS BETWEEN TRIBAL CHIEFS AND FOREIGN CONSULATES. IT IS OF COURSE ALWAYS POSSIBLE THAT MOBUTU, REALIZING THAT THE CHARGES ALREADY PLACED AGAINST NGUZA ARE NEITHER VERY GRAVE NOR CONVINCING AT LEAST IN THE EYES OF FOREIGN OBSERVERS, WILL SEEK TO INTRODUCE ADDITIONAL "EVIDENCE", SUCH AS THE MWANT YAV CONNECTION OR SOME INVOLVEMENT WITH OTHER ANTI-REGIME OR FOREIGN

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ELEMENTS. THE BEST WE CAN SAY NOW IS THAT NO SUCH MOVE IS PRESENTLY FORESEEN DESPITE THE APPARENT WEAKNESS OF EXISTING CHARGES.

4. IF THE RECENT CASE OF COLONEL MAMPA IS ANY EXAMPLE, WE CAN ANTICIPATE NGUZA'S TRIAL BEGINNING SEPTEMBER 10 WILL BE REASONABLY SHORT, WELL PUBLICIZED, WITH A PROBABLE CONVICTION FOR TREASON AND DEATH SENTENCE LATER COMMUTED TO IMPRISONMENT. MOBUTU WILL HAVE FOLLOWED THROUGH ON HIS ORIGINAL CHARGES AND WILL HAVE THEREBY SHOWN HIS STRENGTH AND ISSUED A WARNING--JUST BEFORE THE VOLATILE ELECTION PERIOD--THAT INDISCIPLINE AND DISLOYALTY WILL NOT BE TOLERATED. AT THE SAME TIME, HE WILL HAVE ACTED IN SUCH FASHION AS TO WELL ALLAY FOREIGN--PARTICULARLY US--CONCERN ABOUT THE HUMAN RIGHTS ASPECTS OF NGUZA'S CASE AND DOUBTS ABOUT MOBUTU'S SERIOUSNESS IN PURSUING POLITICAL LIBERALIZATION AND REFORM.

5. I BELIEVE OUR DEMARCHES HAVE IN FACT INFLUENCED MOBUTU'S HANDLING OF NGUZA'S CASE. WHILE MOBUTU HAS WELL-KNOWN RESERVATIONS ABOUT WHAT HE VIEWS AS OUR OVERLY RIGID APPLICATION OF HUMAN RIGHTS STANDARDS WITH FRIENDS AND ADVERSARIES ALIKE, HIS POLITICAL AND PRAGMATIC INSTINCTS ARE SUFFICIENTLY STRONG TO INDUCE HIM TO PAY SOME ATTENTION TO THE EFFECT OF HIS DOMESTIC ACTIONS ON HIS RELATIONS WITH OTHER GOVERNMENTS. ADDITIONAL INSIGHT RE MOBUTU'S

BALANCING OF DOMESTIC AND FOREIGN CONCERNS SHOULD BE PROVIDED
BY HANDLING OF ACTUAL TRIAL AND ITS AFTERMATH.
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